

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION**

IN RE:

JAMES AARON ELLENBURG
KRISTEN CONNELLY ELLENBURG

CASE NO: 09-40909

SSN#: XXX-XX-3985

SSN#: XXX-XX-6564

MOTION OF THE TRUSTEE TO SET LIABILITY OF THE DEBTORS AS TO CLAIMS

The undersigned, being the Standing Trustee for the debtors listed above, hereby moves the court to set the liability of the debtors upon claims in this case as specific individual or joint as denominated in the ownership field below as: J = Joint, H = Male Debtor, W = Female Debtor

Payee	Trustee Claim #	Clerk Claim #	Owner ship	Creditor Type	Level	Filed Clm Amnt	Allowed Clm Amnt	Acct # (Last 4)
ALLIED INTERSTATE INC	15			U-Unsecured	80	\$0.00	NOT FILED	4507
AMERICAN HONDA FINANCE CORP	3	14	H	C-Car (910)	50	\$1,108.15	\$1,108.15	5159
AMERICAN INFOSOURCE LP AS AGENT FOR	24	12	H	U-Unsecured	80	\$732.09	\$732.09	7142
Andrea Gale Farmer	1		J	B-Base Attorney Fee(s)	20	\$2,846.00	\$1,021.00	
Andrea Gale Farmer	2		J	B-Base Attorney Fee(s)	50	\$404.00	\$404.00	
Bell Sports Inc	18			U-Unsecured	80	\$0.00	NOT FILED	
BEST BUY	19			U-Unsecured	80	\$0.00	NOT FILED	1158
BRANCH BANKING AND TRUST CO	37	8	H	U-Unsecured	80	\$35.00	\$35.00	1975
BRANCH BANKING AND TRUST CO	16	10	J	U-Unsecured	80	\$15,796.10	\$15,796.10	6606
BRANCH BANKING AND TRUST CO	17	9	H	U-Unsecured	80	\$2,065.98	\$2,065.98	6544
CHASE BANK USA NA	20	5	W	U-Unsecured	80	\$3,546.30	\$3,546.30	9618
CITIFINANCIAL INC	4	15	H	U-Unsecured	80	\$5,643.00	\$5,643.00	1646
COASTAL FEDERAL CREDIT UNION	21	3	J	U-Unsecured	80	\$14,037.21	\$14,037.21	233
Deana Brafford Bean	36			R-DSO-Ongoing Payments	98	\$0.00	PAY OUTSIDE	
DIRECTV Inc	22			U-Unsecured	80	\$0.00	NOT FILED	4936
Dish Network	23			U-Unsecured	80	\$0.00	NOT FILED	3046
FIRST NATIONAL BANK	5	1	J	U-Unsecured	80	\$24,603.07	\$24,603.07	2305
GE MONEY BANK	6	20	J	U-Unsecured	80	\$4,648.80	\$4,648.80	3308
GE MONEY BANK	25	18	J	U-Unsecured	80	\$3,091.09	\$3,091.09	6815
HSBC BANK NEVADA NA	11	17	H	U-Unsecured	80	\$6,292.10	\$6,292.10	1737
INTERNAL REVENUE SERVICE	12			Z-Notice Only	99	\$0.00	NOT FILED	
J&M Acceptance Corp	9	13	J	C-Car (910)	50	\$11,350.94	\$11,350.94	9220
Moses Cone Health Systems	27			U-Unsecured	80	\$0.00	NOT FILED	2744
NC DEPT OF REVENUE	13			Z-Notice Only	99	\$0.00	NOT FILED	
NORTHLAND GROUP INC	28			U-Unsecured	80	\$0.00	NOT FILED	3179
PRA Receivables Management LLC as agent of	26	11	W	U-Unsecured	80	\$4,102.22	\$4,102.22	4484
PRA Receivables Management LLC as agent of	32	7	H	U-Unsecured	80	\$1,021.45	\$1,021.45	4507

Pavee	Trustee Claim #	Clerk Claim #	Owner ship	Creditor Type	Level	Filed Cim Amnt	Allowed Cim Amnt	Acct # (Last 4)
RADIO SHACK	29			U-Unsecured	80	\$0.00	NOT FILED	3179
Rutherford County Tax Office	38			Z-Notice Only	99	\$0.00	NOT FILED	9945
SLMA on behalf of	14	4	W	U-Unsecured	80	\$604.86	\$604.86	6564
Staples	30			U-Unsecured	80	\$0.00	NOT FILED	9685
State Employees Credit Union	31	6	H	S-Secured-Pro-Rata	50	\$25.27	\$25.27	9101
State Employees Credit Union	10,031	6	H	U-Unsecured	80	\$2,518.34	\$2,518.34	9101
SUSQUEHANNA COMMERCIAL FINANCE INC	35	16	J	U-Unsecured	80	\$4,116.00	\$4,116.00	1953
US BANK NA	39	19	J	N-Mortgage/Lease Arrears	50	\$1,086.35	\$1,086.35	5285
US BANK NA	7	19	J	M-Mortgage/Lease	30	\$218,374.77	\$0.00	5285
US BANK NA	8	19	J	Q-Mortgage Admin Arrears	50	\$2,761.38	\$2,761.38	5285
Wells Fargo Bank NA	33	2	W	U-Unsecured	80	\$8,021.54	\$8,021.54	0676
Western Power Sports Inc	34			U-Unsecured	80	\$0.00	NOT FILED	0496
WESTGATE RESORTS	10			U-Unsecured	80	\$0.00	NOT FILED	

DATED: November 02, 2010

Steven G. Tate
Standing Chapter 13 Trustee
PO Box 1778
Statesville, NC 28687-1778

****NOTICE OF OPPORTUNITY FOR HEARING ATTACHED****

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION

IN RE:
JAMES AARON ELLENBURG
KRISTEN CONNELLY ELLENBURG
SSN#: XXX-XX-3985
SSN#: XXX-XX-6564

CASE NO: 09-40909

NOTICE OF OPPORTUNITY FOR HEARING

The Chapter 13 trustee has filed papers in the bankruptcy case for the debtors named above requesting a MOTION OF THE TRUSTEE TO SET LIABILITY OF THE DEBTORS AS TO CLAIMS.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief requested by the trustee in the motion, or if you want the court to consider your views on the motion, then within twenty (20) days of the date of the service of this notice, you or your attorney must file with the court a written response to the motion and a request for a hearing at the following address:

CLERK, U.S. BANKRUPTCY COURT
PO Box 34189
Charlotte, NC 28234-4189

If you **mail** your response to the court for filing, you must mail it early enough for the court to **receive** it on or before the deadline stated above.

If you file a response, then a hearing on the trustee's motion will be held at the following time and place:

Date: December 17, 2010 Time: 9:30 am

Location: CLEVELAND COUNTY COURTHOUSE
COURTROOM #5
SHELBY, NC 28151

No hearing will be held unless a response is filed.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Dated: 11/2/2010

Steven G. Tate
Chapter 13 Trustee

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION

IN RE:

JAMES AARON ELLENBURG
KRISTEN CONNELLY ELLENBURG

CASE NO: 09-40909

SSN#: XXX-XX-3985

SSN#: XXX-XX-6564

CERTIFICATE OF SERVICE

The parties whose names and addresses are listed below were served by United States first class mail, postage prepaid on November 02, 2010.

A. Hamby
Office of the Chapter 13 Trustee

ALLIED INTERSTATE INC, 3000 CORPORATE EXCHANGE DR, 5TH FLOOR, COLUMBUS, OH 43231
AMERICAN HONDA FINANCE CORP, NATIONAL BANKRUPTCY CENTER, PO BOX 168088, IRVING, TX 75016-8088
AMERICAN INFOSOURCE LP AS AGENT FOR, WORLD FINANCIAL NETWORK NATIONAL BANK, PO BOX 248872, OKLAHOMA CITY, OK 73124-8872
Bell Sports Inc, 3367 Paysphere Circle, Chicago, IL 60674
BEST BUY, PO BOX 15521, WILMINGTON, DE 19850-5521
BRANCH BANKING AND TRUST CO, BANKRUPTCY SECTION, PO BOX 1847, WILSON, NC 27894-1847
CHASE BANK USA NA, PO BOX 15145, WILMINGTON, DE 19850-5145
CITIFINANCIAL INC, PO BOX 70923, CHARLOTTE, NC 28272-0923
Citifinancial Retail Services, PO Box 140489, Irving, TX 75014
COASTAL FEDERAL CREDIT UNION, PO BOX 58429, RALEIGH, NC 27658-8429
Deana Brafford Bean, 509 Rhodes Road, Kings Mountain, NC 28086
DIRECTV Inc, PO Box 6550, Greenwood Village, CO 80155-6550
Dish Network, PO Box 9033, Littleton, CO 80160-9033
FIRST NATIONAL BANK, PO BOX 168, SHELBY, NC 28151-0168
GE MONEY BANK, GE CONSUMER FINANCE, PO BOX 960061, ORLANDO, FL 32896-0661
GE MONEY BANK, PO BOX 981127, EL PASO, TX 79998-1127
GE MONEY BANK, PO BOX 981438, EL PASO, TX 79998-1438
HSBC BANK NEVADA NA, BASS & ASSOCIATES PC, 3936 E FT LOWELL ROAD SUITE 200, TUCSON, AZ 85712
INTERNAL REVENUE SERVICE, PO BOX 21125, PHILADELPHIA, PA 19114
INTERNAL REVENUE SERVICE, PO BOX 21126, PHILADELPHIA, PA 19114
J&M Acceptance Corp, 1496 US Hwy 74 Bypass, Spindale, NC 28160
JAMES AARON ELLENBURG AND KRISTEN CONNELLY ELLENBURG, 320 WIDD LAWING LN, UNION MILLS, NC 28167
Matthew T McKee Esquire, Rogers Townsend & Thomas PC, Suite 300, 2701 Coltsgate Road, Charlotte, NC 28211
Moses Cone Health Systems, PO Box 26580, Greensboro, NC 27415-6580
NC DEPT OF REVENUE, OFFICE SERV DIV/BANKRUPTCY UNT, PO BOX 1168, RALEIGH, NC 27602-1168
NORTHLAND GROUP INC, PO BOX 390846, EDINA, MN 55439
Pamela P Keenan, Kirschbaum Nanny Keenan & Griffin PA, PO Box 19766, Raleigh, NC 27619-9766
PRA Receivables Management LLC as agent of, Portfolio Recovery Associates LLC, PO Box 12914, Norfolk, VA 23541
PRA Receivables Management LLC as agent of, Portfolio Recovery Associates LLC, PO Box 41067, Norfolk, VA 23541
RADIO SHACK, PO BOX 689182, DES MOINES, IA 50368-9182
Rogers Townsend & Thomas PC, 2701 Coltsgate Rd Ste 300, Charlotte, NC 28211
Rutherford County Tax Office, Attn Linda W Greene Tax Collection Specialist, PO Box 143, Rutherfordton, NC 28139
SLMA on behalf of, United Student Aid Funds Inc, c/o Sallie Mae Guarantee Services Inc, PO Box 9430, Wilkes-Barre, PA 18773-9430
SLMA on behalf of, United Student Aid Funds Inc, Sallie Mae Guarantee Services Inc, PO Box 7167, Indianapolis, IN 46206-7167
Staples, PO Box 689182, Des Moines, IA 50364
State Employees Credit Union, Attn Loss Mitigation, PO Box 25279, Raleigh, NC 27611-5279
SUSQUEHANNA COMMERCIAL FINANCE INC, 1566 MEDICAL DRIVE SUITE 201, POTTSTOWN, PA 19464
US BANK NA, 4801 FREDERICA STREET, OWENSBORO, KY 42301
Wells Fargo Bank NA, 4137 121st St, Urbandale, IA 50323

Wells Fargo Bank NA, Attn: Remittance Processing, PO Box 14487, Des Moines, IA 50306

Western Power Sports Inc, 601 E Gowen Rd, Boise, ID 83716

WESTGATE RESORTS, 2801 OLD WINTER GARDEN RD, OCOEE, FL 34761

Total Served:42

UNDELIVERABLE MAIL (Insufficient Mailing Address)

Total:0